

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

1201 NORTH MARKET STREET
P.O. BOX 1347
WILMINGTON, DELAWARE 19899-1347

302 658 9200
302 658 3989 FAX

MEGAN E. DELLINGER
(302) 351-9366
mdellinger@morrisnichols.com

May 22, 2024

The Honorable Jennifer L. Hall
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801-3555

*VIA HAND DELIVERY AND
ELECTRONIC FILING*

Re: *Nippon Shinyaku Co., Ltd. v. Sarepta Therapeutics, Inc.,*
C.A. No. 21-1015 (JLH)

Dear Judge Hall:

Pursuant to the Court's May 15, 2024 Oral Order (D.I. 582), Sarepta Therapeutics, Inc. is concurrently with this letter submitting revised proposed redacted versions of the exhibits that Nippon Shinyaku Co., Ltd. attached to its May 7, 2024 letter brief (D.I. 568) for the Court's consideration. Five of the exhibits that Nippon Shinyaku attached to its letter brief (Exs. G-K to D.I. 568) are non-public Sarepta licensing agreements that are some of Sarepta's most highly sensitive commercial information. Sarepta respectfully requests that these exhibits be maintained under seal in their entirety and concurrently submits the Declaration of John X. Haberman, Sarepta's Vice President, Chief Intellectual Property Officer in support of this request (the "Haberman Declaration").

In order to respond to Nippon Shinyaku's letter brief, Sarepta attached additional highly sensitive commercial agreements and information to its own answering letter brief (D.I. 572), redactions for which are due today. Sarepta requests that the agreement attached as Exhibit 1 to its letter brief also be maintained under seal in its entirety. Sarepta has proposed redactions to Exhibits 2-3 and Exhibit 4 to its letter brief (D.I. 572-4, the Declaration of Peter Walsh), which attached Exhibits 1-13 that include a highly sensitive commercial agreement and financial information. The Haberman Declaration is submitted in support of the redactions to the exhibits to D.I. 572, as well.

The Honorable Jennifer L. Hall

May 22, 2024

Page 2

Respectfully,

/s/ Megan E. Dellinger

Megan E. Dellinger (#5739)

cc: Clerk of the Court (via hand delivery)
All Counsel of Record (via CM/ECF and e-mail)